



Agenda Date: 2/2/00

Agenda Item: 7A

STATE OF NEW JERSEY

Board of Public Utilities

*Two Gateway Center
Newark, NJ 07102*

CABLE TELEVISION

IN THE MATTER OF THE ALLEGED VIOLATIONS OF)	
ADELPHIA CABLE COMMUNICATIONS TO)	
CONFORM TO <u>N.J.A.C. 14:18-3.7(a)2</u> BILLS FOR)	<u>ORDER ACCEPTING</u>
SERVICE; FORM OF BILL AND TO CONFORM TO)	<u>OFFER OF SETTLEMENT</u>
<u>N.J.A.C. 14:18-3.16(a)1</u> NOTICE OF RATE CHANGE)	
)	DOCKET NO. CS99120931

(SERVICE LIST ATTACHED)

Meyer and Landis by Francis R. Perkins, Esq., Newark, New Jersey, on behalf of Adelphia Cable Communications

BY THE BOARD:

Adelphia Cable Communications (Adelphia), a multiple system operator with its principle offices located at 830 Highway 37 West, Toms River, New Jersey, is a franchised cable television operator which provides cable services to approximately 105,482 New Jersey subscribers in 17 communities throughout Ocean County. The Board's Office of Cable Television Inspection and Enforcement Bureau ("Office") alleged that Adelphia was not conforming to certain provisions of N.J.A.C. 14:18-3.7(a)2 Bills for Service, Form of Bill and N.J.A.C. 14:18-3.16(a)1 Notice of Rate Change. The aforementioned requires all cable systems in New Jersey to conform to these provisions with the intent to provide protection to the cable consumer.

As a result of correspondence and telephone conversations between Adelphia and the Office regarding these allegations, Adelphia submitted an Offer of Settlement concerning the following alleged non-conforming practices:

- A. Staff alleges that Adelphia failed to provide on monthly billing statements identification of each service for which a separate charge is imposed and the rate for each service as required by N.J.A.C. 14:18-3.7(a)2.
- B. Staff further alleges that Adelphia implemented an increase to its CPS rates on August 1, 1999, less than thirty (30) days from the date it submitted a revised tariff to the Board's Office of Cable Television. This practice did not conform to N.J.A.C. 14:18-3.16(a)1.

Adelphia submitted its Offer of Settlement in the amount of \$2,500.00 in order to resolve all issues concerning the violations alleged by the Office. The \$2,500.00 is offered in lieu of any fine, which may be imposed under the terms of the New Jersey Cable Television Act, and will be paid to the State Treasurer of New Jersey in order to satisfy the alleged non-compliance issues. The Offer represents

a reasonable settlement in view of the alleged violations and the operator's past compliance history. In addition to the monetary settlement Adelphia has taken the following remedial action:

1. Adelphia has taken corrective action to identify on its billing statements each service and rate for which it imposes a separate charge.
2. Adelphia corrected the premature rate increase of the CPS rates through a credit in its August 1999 billing statements.

The Office recommends acceptance of this Offer of Settlement based upon the aforementioned commitments and compliance with the New Jersey Cable Act and the New Jersey Administrative Code. The Office will monitor the company's future notice requirements and billing practices as set forth in the New Jersey Administrative Code.

The Board has reviewed the matter and recommendations of the Office, and **HEREBY FINDS** them to be reasonable. Therefore, the Board **HEREBY ACCEPTS** the Offer of Settlement proffered by Adelphia subject to the following provisions, conditions and/or limitations:

1. The \$2,500.00 monetary payment will be accepted by the Board as settlement for the alleged non-conforming practices of Adelphia.
2. The Board's acceptance of the Offer of Settlement is for the purposes of this proceeding only and shall not be construed as limiting the Board's authority in any other matter affecting Adelphia.
3. For the purposes of assessing penalties for future offenses by Adelphia, such future offenses shall be considered subsequent offenses, in accordance with N.J.S.A. 48:5A-51(b).

DATED: February 2, 2000

BOARD OF PUBLIC UTILITIES
BY:

(signed)

HERBERT H. TATE
PRESIDENT

(signed)

CARMEN J. ARMENTI
COMMISSIONER

(signed)

ATTEST:

FREDRICK F. BUTLER
COMMISSIONER

(signed)

EDWARD D. BESLOW
ACTING SECRETARY